

Application No.: 09/670529
Docket No.: AD6649USNA

Page 5

REMARKS

Further to the office action of 9 September 2005, an amended set of claims is attached.

Examiner has indicated (paragraph 6, page 6 of the office action) that the prior art fails to teach or suggest adding the elements of claim 12 to the structure of claim 1, where the second substrate layer and adhesive are added to the copolyetherester layer of claim 1. The examiner further points out that in order to create the laminate as claimed in claim 12, one would have to rearrange the layers of Beavers and there is no motivation for the rearrangement.

Applicants have accordingly amended claim 1 to claim the structure of claim 12. In addition, as an option, claim 1 is amended to include the possibility of adding a second substrate layer that comprises at least 40 weight percent polyester, in which case no adhesive or primer is required. Support for such a structure is found in the disclosure at page 24 lines 10 – 23. Additional support is found in figures 5 and 6, the description of which is found on pages 25 lines 31 to 33 and page 26 lines 1-10. A vapor control layer comprising a substrate (5), a control layer (13), a tie layer (6) and a copolyetherester layer (7) is in contact with an insulation layer (42). The "second substrate" in figure 5 comprises insulation layer (42) and laminate structure (31).

Applicant respectfully submits that the amended claim 1, including the option of adding a second substrate layer that comprises at least 40 weight percent polyester and no adhesive, is also not taught by the prior art and is now in condition for allowance.

Claim 4 has also been modified to depend from claim 1 and not the canceled claim 3.

Claim 5 has been modified to be consistent with a change in the description of the copolyetherester layer that makes the wording more clear.

Application No.: 09/670529
Docket No.: AD6649USNA

Page 6

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



ARNE R. JARNHOLM
ATTORNEY FOR APPLICANTS
Registration No.: 30,396
Telephone: (302) 992-2394
Facsimile: (302) 992-3257

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